

XIII. UNIFORMS AND EQUIPMENT COLLECTION

Any member, who is dismissed, resigns in lieu of being dismissed, or resigns prior to the completion of an internal investigation shall surrender all issued uniforms, equipment, and badges to include all previous ranking badges, and Highway Patrol identification credentials that are in the possession of the affected member. It shall be the responsibility of the appropriate Section Director or Troop/Unit Commander to ensure that all items mentioned above are collected, inventoried, and forwarded to the Logistics Unit. If, during the course of the inventory, it is discovered that any item was not surrendered, a memorandum shall be prepared by the supervisor conducting the inventory, and forwarded to the Director of Support Services, via the chain-of-command, for proper action.

XIV. APPEAL PROCESS FOR DISCIPLINARY ACTION (CALEA 26.1.6)

General Appeal Process

- Members who have attained career status may appeal a dismissal, demotion or suspension without pay, based upon a violation of N.C.G.S.126 § 35 (lack of just cause). Disciplinary actions imposed by Patrol supervisors may be appealed to the next higher level of command (as a rule, the Section Director/Troop Commander). Disciplinary actions, other than a written warning, imposed by the Commander's Office are appealed to the Secretary of the Department of Crime Control and Public Safety. Written warnings cannot be appealed and non-career employees may not appeal any disciplinary action.
- Any member who alleges that disciplinary action was imposed because of age, sex, race, color, national origin, religion, creed, political affiliation, or handicapped condition as defined by N.C.G.S. § 168A-3 or in retaliation for opposition to such discrimination may appeal directly to the State Personnel Commission as provided in this directive or may use the chain-of-command.

Appeal to Next Higher Level of Command

- Appeals of disciplinary actions imposed by First Sergeants, or other immediate Patrol supervisors shall be made in writing, on a CCPS-58, to the next higher level of command (as a rule, the Section Director/Troop Commander) with copies to the immediate supervisor and Department Personnel Director. The appeal must be received by the Section Director/Troop Commander (or other appropriate supervisor) within **15 calendar days** of such disciplinary action.
- The Section Director/Troop Commander, or other appropriate supervisor, shall give a decision to the member in writing on a CCPS-59 with a copy to the immediate supervisor and the Department Personnel Director within **5 calendar days** or inform the member of a need to take additional time and the reason for the delay.